

COMPENDIUM APPENDIX C DELAWARE WATER GAP NRA

JUSTIFICATION FOR CLOSURE OF PARK RESIDENTIAL STRUCTURES TO PUBLIC USE

There are numerous park structures that are rented by park employees or by private individuals through Special Use Permits and leases. There has been a problem with park users not respecting the personal privacy of the park residents in a manner that is consistent with privately owned housing units outside the park area. The closing to the public of park housing units and their curtilage will provide park residents with the same privacy rights as those experienced by private residents. The curtilage will consist of the mowed area and all outbuildings associated with the housing unit.

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JUSTIFICATION FOR LIMITING THE USE/OPERATION OF PERSONAL WATERCRAFT

Personal watercraft (PWC) refers to a vessel, usually less than 16 feet in length, which uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion. The vessel is intended to be operated by a person or persons sitting, standing or kneeling on the vessel, rather than within the confines of the hull. The length is measured from end to end over the deck excluding sheer, meaning a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments, are not included in the measurement. Length is stated in feet and inches.

In accordance with the National Park Service interim policy for managing personal watercraft within units of the National Park System, the Superintendent invokes the authority in 16 USC 3 & 36 CFR Section 1.5(a)(1) and hereby limits the operation/use of personal watercraft at Delaware Water Gap NRA to those portions of the Delaware River commonly known as the Smithfield and Prices' Landing Pools.

The NPS is aware that the use of PWC has raised controversy in numerous locations throughout the nation. PWC clearly differ from conventional vessels in terms of design use, safety record, controversy, visitor and resource impacts. They are high performance vessels designed for speed and maneuverability and are often operated in an aggressive manner. The complaints most often voiced by the boating public about PWC operators, is their seeming disregard for other boaters, and unsafe boating actions. In addition, PWC have a shallow draft which gives operators the ability to penetrate areas not available to conventional vessels. This access has the potential to adversely impact wildlife and wildlife habitat. Other impacts on the environment include elevated noise levels and discharge of oil/gas mixture into the water.

The upper reaches of the Delaware River within the Recreation Area was designated in 1978 as part of the National Wild and Scenic River System for its remarkable natural and scenic values. Recreational boating use now, and traditionally has been, predominantly non-powered vessels used by visitors seeking a peaceful tranquil journey with opportunities to view wildlife.

The lower reaches of the river within the recreation area, including the Smithfield and Price's Landing Pool areas, was designated at the same time as a Recreational River. The use now and traditionally has included larger powered vessels operated at higher speeds, water-skiing, and more recently, the use of PWC.

This restriction allows for continuation of use of PWC within the Delaware Water Gap NRA in areas that are now and have been used by PWC, while preserving the natural resources and setting of the Wild and Scenic river. This restriction will apply until a determination is made by the Superintendent in accordance with the NPS final rule. -C2-

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JUSTIFICATION FOR CLOSING PARK AREAS TO THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES

Title 16 United States Code (USC) Section 3 , and Title 36 Code of Federal Regulations (CFR) Section 1.5 (a) (1) authorizes the Park Superintendent to close all or a portion of a park area to all public use, or to a specific public use or activity.

It has been determined, that the closure of certain park areas to the possession and consumption of alcoholic beverages is necessary to maintain the public safety, ensure peace and tranquility, or to reduce conflict among visitors.

The consumption of alcoholic beverages, particularly at the developed, heavily used recreation sites, has resulted in numerous incidents of public intoxication, sometimes resulting in fights and/or other disorderly conduct. The possession or consumption of alcoholic beverages is not necessary for, nor conducive to the enjoyment of the Recreation Area. Over 200 alcohol related incidents are recorded annually; many of which occur at developed recreation sites. Smithfield Beach, Hialeah Picnic Area, Van Campens Glen, and the group campsites have been closed to the possession/consumption of alcoholic beverages for several years; which has resulted in a more peaceful and tranquil atmosphere at those locations.

Areas added to the existing list of closures includes: Milford Beach, Bushkill Village, and Hackers Falls as well as:

The Dingmans Campground operated by a private company under a National Park Service concessions contract reopened in April 2005. It is the only campground of its type within Delaware Water Gap National Recreation Area. It was reopened to provide visitors with the opportunity for a high quality camping experience within the park. Under a previous contract, alcoholic beverages were allowed, resulting in numerous incidents related to abuse of alcohol such as disorderly conduct, excessive noise, and violation of quiet hours regulations. The visitor camping experience was negatively impacted by those incidents, and park law enforcement personnel spent a great amount of time dealing with those incidents. In order to maintain a positive atmosphere in the campground, maintain a quality visitor experience, and minimize the need for law enforcement coverage in the campground, a condition was included in the concession contract that the campground be closed to alcohol. In order to provide for enforcement of that condition, the following closure is established.

By eliminating possession/consumption of alcoholic beverages at these areas; visitor safety, particularly associated with swimming will be improved, visitor enjoyment of the areas will be enhanced, trash and noise associated with large inebriated parties will be reduced.

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JUSTIFICATION FOR CLIFF PARK INN CLOSED TO SLEDDING & SNOWBOARDING

Cliff Park Inn and approximately 460 surrounding acres were acquired by the National Park Service in July, 2003. The inn, associated buildings and golf course were subsequently leased to a private company that is now managing the facilities. Although the prior owner permitted snowboarding and sledding on the golf course, the current managers have raised serious and valid concerns about both liability issues (sledders and snowboarders are often unsupervised children) and about damage caused to the golf course during periods when snow is minimal. The National Park Service has reviewed these issues and concurs with their assessment, particularly regarding unsupervised and potentially dangerous sledding and snowboarding on the golf course's slopes. In order to assure public safety, the golf course and surrounding grounds have accordingly been closed to those two activities.

§1.5 Winter Activities (36 CFR 2.19)

1. 5(a) (1) Cliff Park Inn Grounds Closed to Sledding and Snowboarding

The entire golf course at Cliff Park Inn and those lawns abutting the inn and adjacent buildings are closed to all sledding and snowboarding activities.

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JUSTIFICATION FOR CLOSURE OF WATERFALL POOL AREAS (WHERE SWIMMING IS PERMITTED) TO POSSESSION OF GLASS AND GLASS CONTAINERS

Swimming while picnicking at the base of waterfalls has become a popular activity within the recreation area especially during the hot summer months while the creeks still run with cool water. Although some natural hazards exists, the man made hazard of broken glass near or in the pools is preventable. Roving interpretation and informal contacts made by Park Rangers has not diminished the number of glass containers brought into these areas. Persons who bring glass containers sometimes accidentally break the containers and attempts to remove the shards of glass from the water are not usually successful. The glass is well camouflaged by the water and is not found until another unsuspecting visitor walks or swims by. The prohibition enhances the safety of visitors wading or swimming in the pools.

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JUSTIFICATION FOR CLOSURE TO PETS FOR CONFLICT OF USE

The Dingmans Falls interpretive boardwalk is one of the most visited areas at Delaware Water Gap National Recreation Area. The six foot wide elevated walkway provides a relatively limited area for movement. Pets cannot move off, and generally are not moved off the walkway to urinate or defecate; the smell, visible impairment and resultant unsanitary condition create an unpleasant environment that hampers the visitor experience. In addition, National Park Service regulations allow a six foot leash to restrain pets, which, on a walkway of that width could present a trip hazard to other visitors; an unruly pet could increase the likelihood of an accident. For some visitors, encountering a pet such as a dog in a confined space can be intimidating, and greatly hamper visitor experience on the trail. Noisy pets or conflicts between pets would also create an atmosphere incompatible with enjoyment of the natural surroundings. The presence of pets on the trail is at odds with its purpose, which is to provide visitor access to a scenic natural site with a minimum of disturbance or detracting from the experience.

There are several other areas at Delaware Water Gap National Recreation Area that have similar constricted spaces with the same potential for conflict. The Childs Recreation Site, also called Childs Park, has several trails along Dingmans Creek that provide access to the stream and Fulmer and Deer Leap Falls. At many points the trail is bounded by the stream and or steep slopes on side. Bridges over the creek are no wider than the trail.

The McDade Recreational Trail provides an area where the potential for conflicts involving pets is minimal, except for the portion of the trail emptying into the Smithfield Beach recreation site. Pets are not allowed there, and visitors with pets are advised at the fee collection station that they may not enter. Visitors walking pets into the area are not visible from the fee station, often ignore the closure sign, and enter the area. To provide more consistent and proactive enforcement of the pet closure, the park will close a portion of the McDade Recreational Trail Adjacent to Smithfield Beach. The section of the trail ¼ mile long north from the Beach will closed, as well as the section running south from Smithfield Beach to the first footbridge on the trail. The intent is to close those portions of the trail during the summer season to act as a buffer zone to minimize incompatible uses.